

ORDINANCE NO. \_\_\_\_\_

1 **AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE**  
2 **PROPERTY LOCATED AT 6406 NORTH IH-35, SUITE 1100 FROM GENERAL**  
3 **COMMERCIAL SERVICES (CS) DISTRICT TO COMMERCIAL-LIQUOR**  
4 **SALES-CONDITIONAL OVERLAY (CS-1-CO) COMBINING DISTRICT.**

5  
6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7  
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from general commercial services (CS) district to commercial-  
10 liquor sales-conditional overlay (CS-1-CO) combining district on the property described in  
11 Zoning Case No. C14-2007-0107, on file at the Neighborhood Zoning and Planning  
12 Department, as follows:

13  
14 7,612 square feet of land, more or less, out of the James P. Wallace League Survey  
15 No. 57, Abstract No. 789, the tract of land being more particularly described by  
16 metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

17  
18 locally known as 6406 North IH-35, Suite 1100, in the City of Austin, Travis County,  
19 Texas, and generally identified in the map attached as Exhibit "B".

20  
21 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
22 established by this ordinance is subject to the following conditions:

23  
24 A site plan or building permit for the Property may not be approved, released, or issued,  
25 if the completed development or uses of the Property, considered cumulatively with all  
26 existing or previously authorized development and uses, generate traffic that exceeds  
27 2,000 trips per day.

28  
29 Except as specifically restricted under this ordinance, the Property may be developed and  
30 used in accordance with the regulations established for the commercial-liquor sales (CS-1)  
31 base district and other applicable requirements of the City Code.

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2007.  
2  
3

4 **PASSED AND APPROVED**

5  
6 §  
7 §  
8 \_\_\_\_\_, 2007 § \_\_\_\_\_  
9

10 Will Wynn  
11 Mayor

12  
13 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
14 David Allan Smith Shirley A. Gentry  
15 City Attorney City Clerk

# METCALFE & SANDERS, INC./LAND SURVEYORS

4800 SOUTH CONGRESS  
AUSTIN, TEXAS 78745  
(512) 442-5363

SURVEYS & RECORDS SINCE 1904

Exhibit "A"

Rock City Icehouse  
Zoning Notes

0.1747 of one acre of land, a portion of the  
James P. Wallace League Survey No. 57, Abstract No. 789,  
City of Austin, Travis County, Texas

## LEGAL DESCRIPTION

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 7,612 SQUARE FEET OF LAND OR 0.1747 OF ONE ACRE OF LAND, A PORTION OF THE JAMES P. WALLACE LEAGUE SURVEY NO. 57, ABSTRACT NO. 789, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 7,612 SQUARE FEET OF LAND OR 0.1747 OF ONE ACRE OF LAND BEING A PORTION OF THAT 22.075 ACRE TRACT, A PORTION OF THE SAID JAMES P. WALLACE LEAGUE SURVEY NO. 57, DESIGNATED AS ITEM 14 UNDER "REAL ESTATE" IN CAUSE NO. 27,686 IN THE PROBATE OF THE WILL OF LEMUEL SCARBROUGH, DECEASED, AS RECORDED IN MINUTE BOOK 385, PAGE 201, PROBATE COURT RECORDS OF TRAVIS COUNTY, TEXAS, SAID 7,612 SQUARE FEET OF LAND OR 0.1747 OF ONE ACRE OF LAND BEING ALSO A PORTION OF THAT 21.66 ACRE TRACT, A PORTION OF THE SAID JAMES P. WALLACE LEAGUE SURVEY NO. 57, AS DESCRIBED IN A DEED CONVEYING AN UNDIVIDED ONE-HALF INTEREST FROM MARGARET CALDWELL SCARBROUGH, E. C. McCLURE AND THE AUSTIN NATIONAL BANK, INDEPENDENT EXECUTRIX AND INDEPENDENT EXECUTORS OF THE ESTATE OF LEMUEL SCARBROUGH, DECEASED TO MARGARET SCARBROUGH WILSON AND LEMUEL SCARBROUGH, JR. AS RECORDED IN VOLUME 3240, PAGE 1004, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 7,612 SQUARE FEET OF LAND OR 0.1747 OF ONE ACRE OF LAND BEING ALSO A PORTION OF THAT SAME 21.66 ACRE TRACT, A PORTION OF THE SAID JAMES P. WALLACE LEAGUE SURVEY NO. 57, CONVEYING AN UNDIVIDED ONE-FOURTH (1/4) INTEREST IN A DEED FROM MARGARET SCARBROUGH WILSON TO LEMUEL SCARBROUGH, JR. AS RECORDED IN VOLUME 4374, PAGE 604, DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 7,612 SQUARE FEET OF LAND OR 0.1747 OF ONE ACRE OF

LAND BEING ALSO A PORTION OF THAT 680,100 SQUARE FOOT OR 15.6129 ACRE TRACT, A PORTION OF THE SAID JAMES P. WALLACE LEAGUE SURVEY NO. 57, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A TRUSTEE'S DEED (BY SUBSTITUTE TRUSTEE) FROM BRUCE R. COLEMAN, SUBSTITUTE TRUSTEE, TO METROPOLITAN LIFE INSURANCE COMPANY AS RECORDED IN VOLUME 10830, PAGE 338, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 7,612 SQUARE FEET OF LAND OR 0.1747 OF ONE ACRE OF LAND BEING ALSO A PORTION OF THAT SAME 680,100 SQUARE FOOT OR 15.6129 ACRE TRACT, A PORTION OF THE SAID JAMES P. WALLACE LEAGUE SURVEY NO. 57, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN THAT ASSIGNMENT AND ASSUMPTION OF LEASE BY AND BETWEEN METROPOLITAN LIFE INSURANCE COMPANY AND 35 AUSTIN PARTNERS, LTD. AS RECORDED IN VOLUME 12577, PAGE 553, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALSO A PORTION OF THAT SAME 680,100 SQUARE FOOT OR 15.6129 ACRE TRACT, A PORTION OF THE SAID JAMES P. WALLACE LEAGUE SURVEY NO. 57, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS DESCRIBED IN THAT ASSIGNMENT AND ASSUMPTION OF GROUND LEASE DATED JUNE 17, 2005 FROM 35 AUSTIN PARTNERS, LTD. TO LINCOLN DUNHILL HOLDINGS, LTD. OF RECORD IN DOCUMENT NO. 2005108805, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR ROCK CITY ICEHOUSE BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 7,612 SQUARE FEET OF LAND OR 0.1747 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

COMMENCING for reference at a 1/2" steel pin in concrete found at the intersection of the east line of Middle Fiskville Road with the south line of Huntland Drive at the northwest corner of that 22.075 acre tract, a portion of the James P. Wallace League Survey No. 57, Abstract No. 789, in the City of Austin, Travis County, Texas, designated as Item No. 14 under "Real Estate" in Cause No. 27,686 in the Probate of the Will of Lemuel Scarbrough, Deceased as recorded in Minute Book 385, Page 201, Probate Court Records of Travis County, Texas, said 1/2" steel pin in concrete found being also at the northwest corner of that 21.66 acre tract, a portion of the said James P. Wallace League Survey No. 57, in the City of Austin, Travis County, Texas, as described in a deed conveying an undivided one-half interest from Margaret Caldwell Scarbrough, E. C. McClure and the Austin National Bank, Independent Executrix and

Independent Executors of the Estate of Lemuel Scarbrough, Deceased to Margaret Scarbrough Wilson and Lemuel Scarbrough, Jr. as recorded in Volume 3240, Page 1004, Deed Records of Travis County, Texas, and at the northwest corner of that same 21.66 acre tract, a portion of the said James P. Wallace League Survey No. 57, conveying an undivided one-fourth (1/4) interest in a deed from Margaret Scarbrough Wilson to Lemuel Scarbrough, Jr. as recorded in Volume 4374, Page 604, Deed Records of Travis County, Texas, said 1/2" steel pin in concrete found being also the northwest corner of that 680,100 square foot or 15.6129 acre tract, a portion of the said James P. Wallace League Survey No. 57, in the City of Austin, Travis County, Texas, as described in an Assignment And Assumption of Ground Lease from 35 Austin Partners, Ltd. to Lincoln Dunhill Holdings, Ltd. in Document No. 2005108805, Official Public Records of Travis County, Texas;

Thence with the east line of Middle Fiskville Road and the west line of the said Margaret Caldwell Scarbrough 22.075 acre tract and the west line of the said Lemuel Scarbrough, Jr. 21.66 acre tract, and being also with the west line of the said Lincoln Dunhill Holdings, Ltd. 15.6129 acre tract, S 29°44' W 928.39 feet to a calculated point;

Thence crossing the said Margaret Caldwell Scarbrough 22.075 acre tract and the said Lemuel Scarbrough, Jr. 21.66 acre tract, and also crossing the said Lincoln Dunhill Holdings, Ltd. 15.6129 acre tract, S 60°16' E 56.83 feet to a calculated point for the POINT OF BEGINNING and most northerly northwest corner of the herein described tract;

THENCE crossing the said Margaret Caldwell Scarbrough 22.075 acre tract and the said Lemuel Scarbrough, Jr. 21.66 acre tract, and also crossing the said Lincoln Dunhill Holdings, Ltd. 15.6129 acre tract, courses numbered 1 through 19 inclusive as follows:

- (1) S 81°38'30" E 46.61 feet to a calculated point for the most northerly northeast corner of the herein described tract;
- (2) S 10°53'10" W 26.50 feet to a calculated point in the north face of a masonry building for an interior corner of the herein described tract;
- (3) with a north face of the said masonry building, S 81°40'10" E 3.51 feet to a corner of the said masonry building;
- (4) with the northeast face of the said masonry building, S 36°47'50" E 12.09 feet to a corner of the said masonry building;
- (5) with an east face of the said masonry building, S 8°17'40" W 15.50 feet to a corner of the said masonry building, for an interior corner of the herein described tract;
- (6) with a north face of the said masonry building, S 81°42'20" E 2.96 feet to a northeast corner of the said masonry building, for a northeast corner of the herein described tract;
- (7) with an east face of the said masonry building, S 7°12'40" W 9.66 feet to a corner of the said masonry building, for an interior corner of the herein described tract;
- (8) with a north face of the said masonry building, S 81°42'20" E 2.04 feet to a northeast corner of the said masonry building, for a northeast corner of the herein described tract;
- (9) with an east face of the said masonry building, S 8°20'30" W 22.60 feet to a southeast corner of the said masonry building, for a southeast corner of the herein described tract;
- (10) with a south face of the said masonry building, N 81°42'20" W 2.08 feet to a corner of the said masonry building, for an interior corner of the herein described tract;
- (11) with an east face of the said masonry building, S 8°40'30" W 9.60 feet to a southeast corner of the said masonry building, for a southeast corner of the herein described tract;

(12) with a south face of the said masonry building, N 81°42'20" W 3.00 feet to a corner of the said masonry building, for an interior corner of the herein described tract;

(13) with an east face of the said masonry building, S 8°21'40" W 15.75 feet to a corner of the said masonry building;

(14) with a southeast face of the said masonry building, S 53°17'40" W 12.00 feet to a corner of the said masonry building for the southeast corner of the herein described tract;

(15) crossing said masonry building, N 81°47'20" W 61.67 feet to a calculated point for the southwest corner of the herein described tract;

(16) with a west face of the said masonry building, N 8°19'30" E 82.01 feet to a corner of the said masonry building;

(17) with a northwest face of the said masonry building, N 54°40'50" E 11.94 feet to a corner of the said masonry building;

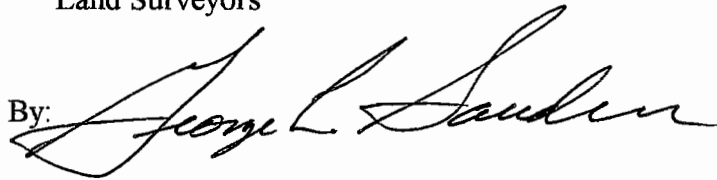
(18) with a north face of the said masonry building, S 81°40'10" E 3.89 feet to a calculated point, for an interior corner of the herein described tract;

(19) N 8°29'20" E 26.50 feet to the POINT OF BEGINNING of the herein described tract, containing 7,612 square feet of land or 0.1747 of one acre of land.

Metes and Bounds Description  
Prepared June 12, 2007 From a  
Survey Made May 29, 2007

METCALFE & SANDERS, INC.  
Land Surveyors

By:



George L. Sanders  
Texas Registered Professional  
Land Surveyor No. 1838

Plan 2443  
Reference Plan 7871A  
FB 890, P 77-78 & DC  
FB 885, P 51-60 & DC

Job No. 07145.01

REFERENCES:

TCAD PLAT MAP # 2-2614 & 2-2814  
TCAD PARCEL # 02-2614-0101-0000  
AUSTIN GRID K-27 & L-27

EXHIBIT " \_ "

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
ZONING TRACT  
JAMES P. WALLACE LEAGUE SURVEY NO. 57, ABSTRACT NO. 789  
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

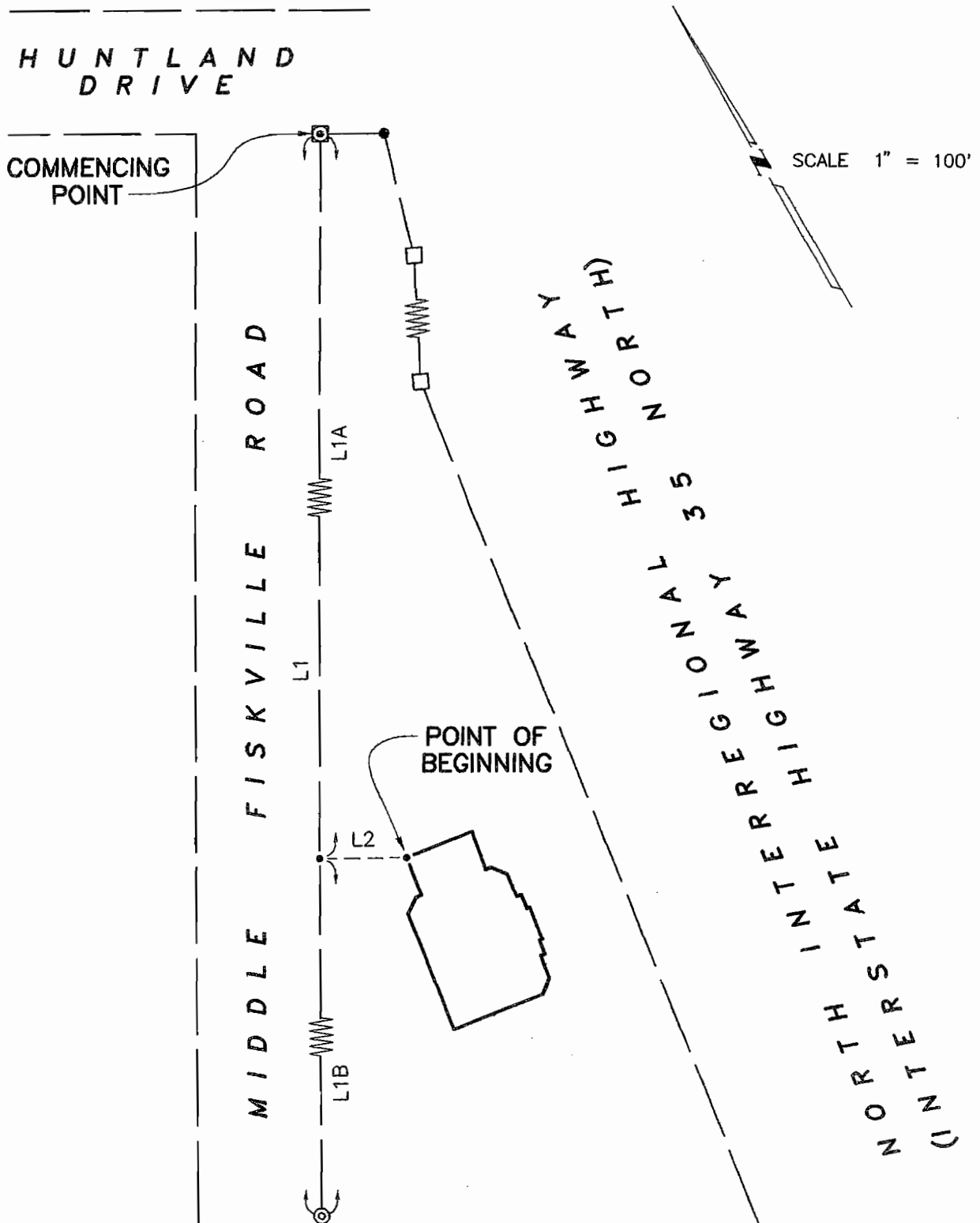
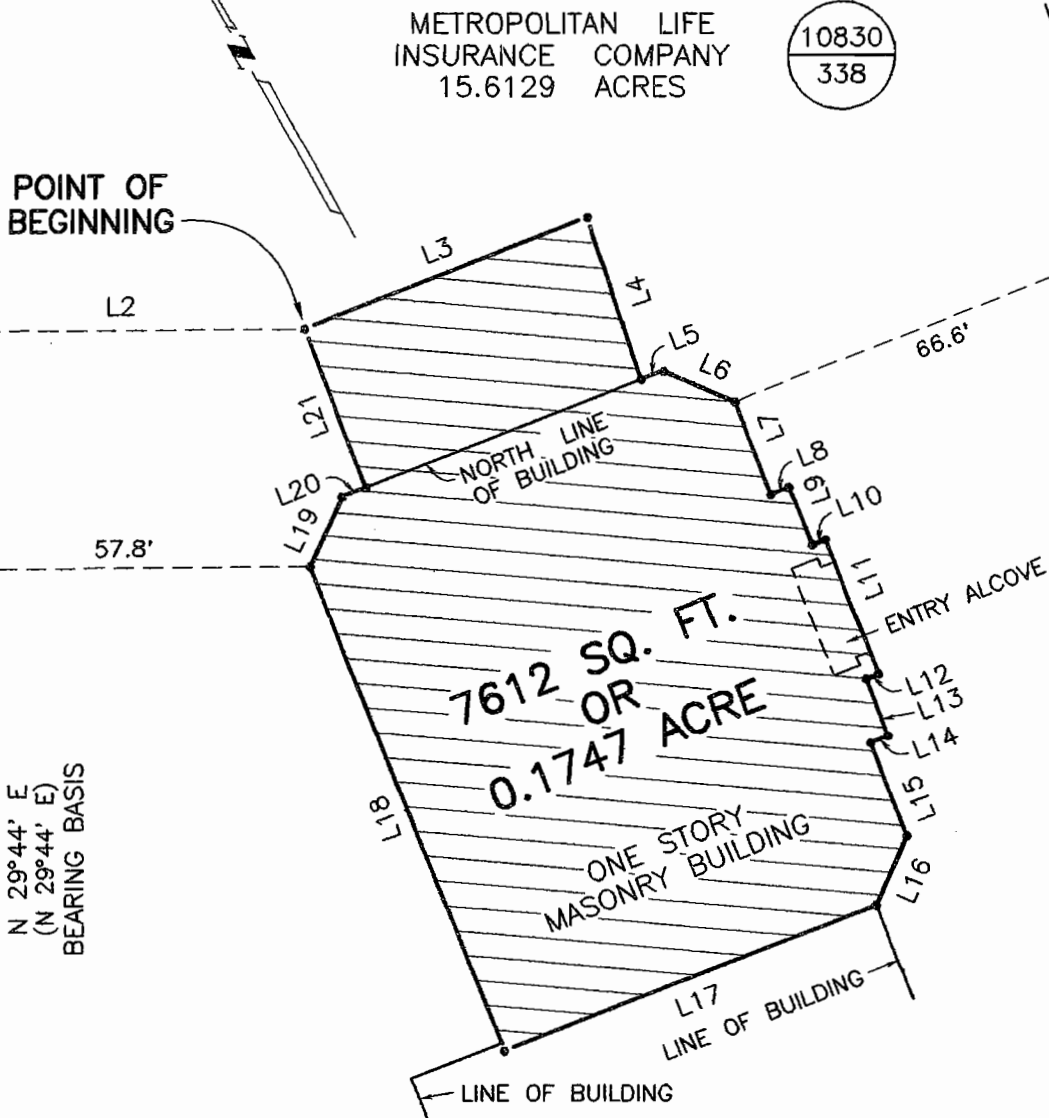


EXHIBIT " \_ "

MIDDLE FISKVILLE ROAD



LINCOLN DUNHILL HOLDINGS, LTD.  
ASSIGNMENT AND ASSUMPTION OF GROUND LEASE  
15.6129 ACRES  
DN 2005108805

LEGEND

- CALCULATED POINT
- 1/2" STEEL PIN WITH PLASTIC CAP FOUND  
PLASTIC CAP STAMPED "M & S 1838"
- ⊗ 1/2" STEEL PIN FOUND IN CONCRETE
- ⊙ 1/2" IRON PIPE FOUND
- TEXAS DEPARTMENT OF TRANSPORTATION  
TYPE II MONUMENT FOUND
- (0°00'00") DENOTES RECORD BEARING

VOL  
PAGE

DEED/REAL PROPERTY RECORDS  
OF TRAVIS COUNTY, TEXAS

DOCUMENT NO. OFFICIAL PUBLIC  
RECORDS OF TRAVIS COUNTY, TEXAS

SCALE 1" = 30'

JOB NO. 07145.01

PLAN 2443

SHEET 2 OF 3

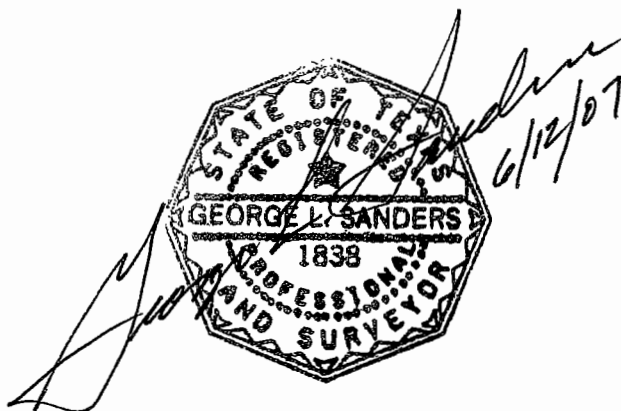


## NOTES:

1. A METES AND BOUNDS DESCRIPTION WAS PREPARED AS AN ATTACHMENT TO ACCOMPANY THE SURVEY OF THE 0.1747 OF ONE ACRE ZONING TRACT SHOWN HEREON.
2. BEARING BASIS IS THE WEST LINE OF THE METROPOLITAN LIFE INSURANCE COMPANY 15.6129 ACRE TRACT (THE EAST LINE OF MIDDLE FISKVILLE ROAD) OF RECORD IN VOLUME 10830, PAGE 338, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

## LINE TABLE

L1	N 29°44' E	2273.11'	L11	S 8°20'30" W	22.60'
L1A	S 29°44' W	928.39'	L12	N 81°42'20" W	2.08'
L1B	S 29°44' W	1344.72'	L13	S 8°40'30" W	9.60'
L2	S 60°16' E	56.83'	L14	N 81°42'20" W	3.00'
L3	S 81°38'30" E	46.61'	L15	S 8°21'40" W	15.75'
L4	S 10°53'10" W	26.50'	L16	S 53°17'40" W	12.00'
L5	S 81°40'10" E	3.51'	L17	N 81°47'20" W	61.67'
L6	S 36°47'50" E	12.09'	L18	N 8°19'30" E	82.01'
L7	S 8°17'40" W	15.50'	L19	N 54°40'50" E	11.94'
L8	S 81°42'20" E	2.96'	L20	S 81°40'10" E	3.89'
L9	S 7°12'40" W	9.66'	L21	N 8°29'20" E	26.50'
L10	S 81°42'20" E	2.04'			



SURVEY COMPLETED MAY 29, 2007  
METCALFE & SANDERS, INC.  
LAND SURVEYORS

BY:

JOB NO. 07145.01

REF: PLAN 7871A

FB 890, P 77-78 & DC  
FB 885, P 51-60 & DC

PLAN 2443 SHEET 3 OF 3

GEORGE L. SANDERS  
TEXAS REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 1838  
AUSTIN, TEXAS

